

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

January 10, 2008

Bellevue, Washington

I CALL TO ORDER

Chair Claudia Hirschey convened the meeting at 7:00 P.M.

II ROLL CALL

The following members were present:

Evangeline Anderson	Charles Booth
Robert Cook	A.J. Culver
Robert George	Lynn Guttmann
John Holman	Roger Loschen

III MINUTES

A. REGULAR MEETING:

Chair Hirschey presented the minutes of the Regular Meeting of December 13, 2007 for review and action by the Board members.

Action: Roger Loschen moved and Lynn Guttmann seconded the motion to adopt the minutes, with amendment, for the Regular Meeting of December 13, 2007. The Board members voted unanimously in favor of approval of this record.

IV. ADMINISTRATION

A. CHAIR'S REPORT

General Business: Chair Hirschey reported that the Board is currently working on several projects including: (1) an orientation program for the Boundary Review Board; (2) coordinating programs with King County Executive/Council Work Program; (3) coordinating activities with the State Association at Legislature 2008; (4) pre-development review for future Notices of Intention; (5) Year 2007 Budget closure; and (7) Year 2008 Budget management.

Year 2008 Board Committees: Chair Claudia Hirschey distributed the final Committee assignments for Year 2008. Board members are invited to contact Lenora Blauman to obtain more detailed information concerning committee assignments.

Orientation Programs: Chair Hirschey and Mrs. Blauman reported that they will be arranging both standard orientation programs and special programs for 2008. Representatives from the Association of Washington Cities are being invited to make presentations (e.g., transportation management, taxation).

File No. 2258: Fairwood Municipal Initiative: City of Fairwood Incorporation Petition

Chair Hirschey and Mrs. Blauman reported that the Fairwood Municipal Initiative proposes formation of a new City of Fairwood. The City is proposed to be 4500 acres with a population of approximately 21,856 persons. At present, the proposed Fairwood Incorporation Area is located in unincorporated King County.

Under the provisions of state law (RCW 35.02, *et seq.*), the Fairwood Municipal Initiative is seeking the incorporation of a new City of Fairwood. The King County Assessor has determined that the petitions are sufficient to permit the Board to proceed with review of the proposed incorporation.

The Boundary Review Board has statutory authority and responsibility to evaluate and to provide decisions (and/or recommendations) pursuant to the proposal for incorporation of a new City of Fairwood.

In order to accomplish the statutory mandate for assessment of incorporations, the Boundary Review Board must ensure that there is reasonable opportunity provided for Board members to: (1) obtain required information relating to compliance with state laws (e.g., Incorporation Proceedings – RCW 35.02; State Growth Management Act – RCW 36.70A; RCW 36.93 Boundary Review Board Enabling Act, *et seq.*); (2) obtain required information relating to government organization plans, service resources/requirements; fiscal data); (3) provide necessary information to government agencies, to citizens, and to other stakeholders affected by the proposed action; (4) conduct public hearings to permit comment from citizens and other government agencies; and (5) make a decision/recommendation concerning the viability of the proposed action, based upon the record for the Notice of Intention.

As the preliminary step in the review of the proposed incorporation of a new City of Fairwood, an Incorporation Study is planned to be prepared by an independent consultant under the aegis of the Washington State Boundary Review Board for King County with funding approved by the Metropolitan King County Council. A Committee of the Board will administer this Study – with input from government agencies and citizen stakeholders as appropriate.

When this Incorporation Study has been completed, the full Boundary Review Board will commence formal review of the Notice of Intention for Incorporation. The Boundary Review Board will then determine whether the Incorporation Study provides both sufficient basic governance information and fiscal data to permit a decision pursuant to the proposed incorporation. The Board reserves the authority to call for supplemental feasibility studies if additional information is required to augment the Incorporation Study in order for the Board to determine the viability of the proposed City of Fairwood.

RCW 36.93 and RCW 35.02 provide that, upon receipt of sufficient documentation, the Boundary Review Board is granted a reasonable period of time as necessary for this agency and other government agencies to complete the essential legal, technical, and fiscal review processes. The timetable assumes the availability of a comprehensive Incorporation Study.

Statutory mandates establish requirements for the Boundary Review Board to conduct a public hearing process including publication of notices, conduct of the hearing, preliminary decision-making and the issuance of a final decision. More specifically:

- Under statutory mandate, a minimum 30 day public notice is required prior to the conducting of a public hearing. In accord with legal standards, the public hearing is scheduled in a manner that ensures sufficient opportunity for presentation of the incorporation plan and presentation of incorporation studies.
- Under statutory mandate, sufficient time must also be allocated for comment by community members. Similarly, government agencies and service providers must be provided an opportunity to speak about the proposed incorporation.
- Under statutory mandate, the public hearing schedule must also provide sufficient time for the Boundary Review Board to deliberate and come to a preliminary decision/recommendation with respect to the incorporation. In accord with legal standards, the Board must first reach a preliminary decision/recommendation on the proposed incorporation. The Board would then direct staff to prepare the required Resolution and Hearing Report and a Record of the Proceedings. This Report and Record must then be presented to the Boundary Review Board for formal action. The Board must review the documents and then make a final decision/recommendation with respect to the proposed incorporation.

Following the issuance of the final decision/recommendation by the Boundary Review Board, the Fairwood Municipal Initiative may proceed to schedule an election to permit citizens to determine whether to incorporate a new City of Fairwood.

Chair Hirschey reported that, at the agreement of the Board, a Review Committee is being established to:

- Establish Incorporation Study content and format,
- Establish qualifications for independent consultants to conduct the Incorporation Study;
- Undertake selection of independent consultants to prepare the Incorporation Study;

The Committee will include the following members of the Board: Michael Marchand (Committee Chair), Robert Cook, A.J. Culver, Lynn Guttman, and Roberta Lewandowski. The Committee may also include – as members or occasional participants -- officials from other government units and community members as appropriate.

This Review Committee will also retain responsibility for preliminary assessment of the Incorporation Study documents to ensure that the reports meet the requirements established for study content and format.

Chair Hirschey called for discussion of this matter. The Board members offered the following comments:

- The plan to establish a Boundary Review Board Incorporation Study Committee (ISC) to coordinate the Incorporation Study for the current proposal for the new city is preferable to the plan for the study for the original application for incorporation which was managed by King County.
- The plan for the County Council to provide \$100,000.00 in immediate funding with an additional allocation available from the County Office of Management and Budget, if necessary, appears to provide sufficient financial support for the required documentation and review process.
- In historic incorporation studies, the Board ISC included – either directly or on an as-needed basis – proponents of the incorporation. The ISC will need to establish a format which provides for input from the representatives of the new City of Fairwood in order to ensure that the Incorporation Study accurately and completely evaluates the proponents' plans/preferences for establishment of the City of Fairwood.
- ISC members are requested to bring plans and progress reports to the full Boundary Review Board as appropriate.

Report from the State Legislature: On November 15, 2007, Mark Beales (State Association Past-President), Roger Loschen, Susan Winchell, and Lenora Blauman visited the Legislature to meet with the House Local Government Committee concerning strategies to enhance the annexation process to address the Growth Management Act.

Roger Loschen and Lenora Blauman reported that the House Local Government Committee heard presentations from panels representing Clark County/City of Vancouver; Fire Protection Districts, Boundary Review Boards (Mark Beales and Susan Winchell), and King County officials (Elissa Benson; Karen Freeman).

In the course of the presentations, representatives addressed the following topics:

- The existing role of the Growth Management Act in supporting – and failing to support – annexation of urban areas; the desirability of clarifying the GMA goals and policies for governance of urban lands.
- The benefits and costs to citizens at annexation of unincorporated lands to local communities (e.g., levels of service, user fees and taxes, land uses and land values).
- The desirability of clarifying the city role and the county role in governing citizens of our communities.
- The necessity for providing sufficient, reliable governance and levels of service for urban and rural communities. For example, special purpose districts would support annexations based upon early and sufficient notification, assured levels of service, and adequate employment protection and financial security that are linked to special purpose district administration statutes rather than to annexation-related statutory mandates.)
- The need to develop policies and tools for transferring state monies to regional and local jurisdictions to support the provision of governance and public services (e.g., SSB 6686).
- The appropriateness (or lack thereof) of transferring state funds to local communities when those communities cannot otherwise afford to serve additional citizens.
- The role of interlocal agreements (rather than covenants) to effect local governance and service standards.
- The role and responsibility of community leaders in review of governance changes (e.g., petition annexation, election method annexation, interlocal agreements).
- The role of the citizen in review of governance changes (e.g., petition annexation, election method annexation, interlocal agreements).
- The desirability of giving priority to legislation (e.g., SHB 1622) that equitably and efficiently implements GMA guidelines that support local governance for urban communities.

House representatives asked questions and entered into discussion with panelists and other agency representatives with the goal of obtaining sufficient information to proceed with consideration of existing pending legislation and potential new legislation affecting annexations during Legislature 2008.

The House Local Government Committee has scheduled hearings on bills relating to annexation for January 15, 2008. The Association will be represented by Michael Marchand and Mark Beales at those hearings. King County may send representatives as well.

B. Committee Reports

Chair Hirschey deferred Committee reports to the Regular Meeting of February 10, 2008.

C. Executive Secretary's Report

King County Council – State Legislative Agenda: King County officials will be proffering and supporting new legislation to enhance the Growth Management Act policies that encourage – and help to obtain funding for – cities seeking to annex urban growth areas.

Washington State Association of Boundary Review Boards: Mrs. Blauman reported that the Association will be visiting Olympia in late January to meet with legislators relating to currently proposed and potential additional bills addressing annexation-related matters.

North Highline: The Cities of Seattle, Tukwila, Burien, and SeaTac are continuing to consider annexation of the North Highline Area. There is no due date for decisions in this matter.

City of Kirkland: City of Kirkland representatives report that the City Council is moving toward submitting a Notice of Intention for annexation of sub-areas within the Kirkland Potential Annexation Area. Presently, the City intends to submit a Notice of Intention in April with the plan to take these annexations to election in November of 2008.

D. CORRESPONDENCE

Correspondence was presented by Chair Hirschey. Board members raised no questions or issues related to these materials.

V NEW BUSINESS

A. NEW FILES

File No 2270 - City of Renton: New Life – Aqua Barn Annexation

Mrs. Blauman reported that the City of Renton has submitted a Notice of Intention for the New Life – Aqua Barn Area. The City proposes to annex 374 acres of land immediately adjacent to existing city limits.

This annexation was proposed under the 60% petition method, pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in December of 2007.

The New Life – Aqua Barn site is located on the eastern side of the City of Renton. The western boundary of the site abuts the eastern boundary of the existing City of Renton. The remaining boundaries of the site are formed by unincorporated King County.

The proposed action is reported to be consistent with City of Renton Comprehensive Plan policies addressing annexation, including those provisions which call for inclusion of urban areas within the City and provision of services to incorporated areas.

Similarly, the New Life – Aqua Barn Area Annexation Notice of Intention is reportedly consistent with the King County Comprehensive Plan and the State Growth Management Act.

The City reports that approximately 73 acres of the New Life – Aqua Barn Area are also currently included in land planned for incorporation into the proposed new City of Fairwood. As such, the City has invoked jurisdiction requesting that the Board conduct a public hearing to consider this proposed annexation.

The City of Renton is also requesting review of the proposed New Life – Aqua Barn Area Annexation within 120 days as prescribed by RCW 36.93.100.

Based upon the fact that the City of Renton submitted the New Life – Aqua Barn Area Annexation to the Boundary Review Board on January 3, 2008 – which is within 90 days of the date (October 22, 2007) of submittal of the City of Fairwood Notice of Intention for Incorporation as prescribed by RCW 36.93.116 – the Board is authorized to conduct immediate hearing of the New Life – Aqua Barn Area Annexation.

Mrs. Blauman reported that, in accord with statutory mandate, a public hearing is to be scheduled for the New Life – Aqua Barn Area Annexation. The hearing is scheduled to take place on Tuesday February 26 and Thursday February 28, 2008.

Board members requested clarification concerning the authority/requirement of the Board to schedule a hearing for File No. 2270 at this time, owing to the fact that the Notice of Intention for the City of Fairwood includes 73 acres of land also slated for incorporation into a new City of Fairwood. Robert Kaufman, Special Assistant Attorney General to the Boundary Review Board, confirmed that the Board is required by statute (RCW 35.02.150; RCW 36.93.116) to proceed with evaluation of File No. 2270.

The Board members raised no other substantive question or issues with respect to this Notice of Intention.

B. PENDING FILES

Bellevue	Bothell (6 files)	Covington Water District
Federal Way (2 files)	Issaquah (2 files)	North Bend
Kirkland	Redmond	Renton (5 files)
Ronald Sewer District	Sammamish	SW Suburban Sewer District

VI. ADJOURNMENT

Action: *Van Anderson moved and A. J. Culver seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:00 P.M.*